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VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2665	4

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,894

Applicant(s)

BONTEMPI, RAYMOND

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 1-3, 6, 7, and 10-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Fig. 4 does not contain a label designating the figure as Fig. 4. In addition, in Fig. 2-4 the key for each figure did not copy correctly so that the label for the r/r protocol is unclear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: ref. 5 (see page 6, lines 7-11). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in step (b) "for each type-two message defining a type-one message" should be "for each type-two message, defining a type-one message". In step (c) "th" should be "the". Appropriate correction is required.
4. Claim 2 is objected to because of the following informalities: "containing" should be "contains". Appropriate correction is required.
5. Claim 3 is objected to because of the following informalities: "containing" should be "contains". Appropriate correction is required.
6. Claim 6 is objected to because of the following informalities: "receiving" should be "receives". Appropriate correction is required.

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7. Claim 7 is objected to because of the following informalities: "using" should be "uses". In addition, "segmented, encapsulated" should be "segmented and encapsulated". Appropriate correction is required.

8. Claim 10 is objected to because of the following informalities: "buffering" should be "buffers". Appropriate correction is required.

9. Claim 11 is objected to because of the following informalities: in line 1 "buffering" should be "buffer". Appropriate correction is required.

10. Claim 12 is objected to because of the following informalities: "comprising" should be "comprises". Appropriate correction is required.

11. Claim 14 is objected to because of the following informalities: in line 1 "comprising" should be "comprises". Appropriate correction is required.

12. Claim 15 is objected to because of the following informalities: in line 2 "comprising" should be "comprises". In addition, in line 5 "receiving" should be "receives". Appropriate correction is required.

13. Claim 16 is objected to because of the following informalities: in line 1 "comprising" should be "comprises". Appropriate correction is required.

14. Claim 17 is objected to because of the following informalities: in step (b) "for each type-two message means for defining a type-one message" should be "for each type-two message, means for defining a type-one message". In addition, in step (c) "means for said users selectively buffering" should be "means for said users to selectively buffer". Further, in step (c) "th" should be "the". Appropriate correction is required.

15. Claim 18 is objected to because of the following informalities: in step (b) "means for said message sender transmitting" should be "means for said message sender to transmit". In addition, in step (d) "other settop users received" should be "other settop users which have received". Further, in step (e) "once received" should be "once it has received". Finally, in step (e) "form" should be "from". Appropriate correction is required.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claims 8, 13, 14, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

18. Claim 8 recites the limitation "said multi-packet cell message" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purposes of prior art rejections, Examiner will interpret "said multi-packet cell message" to be "said type-two message."

19. Claim 13 recites the limitation "the first special message" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purposes of prior art rejections, Examiner will interpret "the first special message" to be "a first special message."

20. Claim 18 recites the limitation "the reservation time" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purposes of prior art rejections, Examiner will interpret "the reservation time" to be "a reservation time."

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1-7, 9, 10, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichman et al (USPN 6,240,073) in view of Chan et al (USPN 4,816,825).

23. Regarding claims 1 and 17, Reichman discloses a method of and system for providing medium access control over an upstream channel in a communication network system serving a plurality of system users, having an upstream channel for carrying upstream messages from at least a subset of the plurality system users to a communication server and a downstream channel connecting said communication server to said system users of said subset (col. 4, line 45-col. 5, line 17; col. 6, line 56-col. 7, line 10; and col. 8, line 45-col. 9, line 7), the method comprising the steps of and the system comprising means for: (a) classifying upstream user messages as a type-one or a type-two message based on a predetermined factor (col. 4, line 45-col. 5, line 34; col. 6, line 56-col. 7, line 10; col. 8, line 45-col. 9, line 7; and col. 10, lines 8-46); (b) for each type-two message defining a type-one message, as a reserve request, to reserve upstream channel usage to the sending user for sending a type-two message (col. 4, line 45-col. 5, line 34; col. 6, line 56-col. 7, line 10; col. 8, line 45-col. 9, line 7; col. 9, lines 53-64, esp. col. 9, lines 54-58; and col. 10, lines 8-46); and (c) said users selectively buffering said messages such that type-one messages are buffered if a reserve message has been received and type-two messages are buffered until after its associated type-one message is sent and received by the other users (col. 6,

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lines 26-28; col. 6, lines 39-40; col. 11, lines 9-11; and col. 11, lines 32-33), where it is implicit that all data is buffered before being transmitted, as is evidenced by the mention of a buffer, such that, as broadly defined, type-one messages are buffered if a reserve message has been received, since all data is buffered, and type-two messages are buffered until after its associated type-one message is sent and received by the other users. Reichman does not expressly disclose that a copy of type-one messages will be distributed from a user of the subset of users to all users in said subset of users or that a reserve request for a type-two message, embodied in a type-one message, is directed to all other users in the subset of users. Reichman does disclose that the first communication means can comprise non-synchronous multiple access communication means or non-synchronous frequency hopping CDMA communication means (col. 5, lines 18-21).

Reichman also discloses that type-one messages include reservations for type-two messages (col. 9, lines 54-58). Reichman further discloses that collisions are possible during the transmission of type-one packets (col. 12, lines 5-32). Chan teaches, in a two-way broadband communication network, that it is well known to distribute a copy of a messages from a user of the subset of users to all users in said subset of users in order to allow communication between users on the network and to allow for error checking due to collisions (col. 1, lines 13-36 and col. 3, lines 9-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to distribute a copy of type-one messages from a user of the subset of users to all users in said subset of users and to direct a reserve request for a type-two message, embodied in a type-one message, to all other users in the subset of users in order to allow for error checking due to collisions of all type-one packets, where a downstream packet is distributed to all users regardless of whether or not the user processes the packet.

24. Regarding claim 2, referring to claim 1, Reichman in view of Chan discloses that the upstream user message containing information to identify said message sender (Reichman: col. 10, lines 47-67) where Examiner takes official notice that it is well known in the art to have a source address in TCP/IP.

25. Regarding claim 3, referring to claim 1, Reichman in view of Chan discloses that the upstream user message containing information to identify the designated message receiver (Reichman: col. 10, lines 47-67) where Examiner takes official notice that it is well known in the art to have a destination address in TCP/IP.

26. Regarding claim 4, referring to claim 1, Reichman in view of Chan discloses that the predetermined factor to classify type of message is based on the size of said message (Reichman: col. 10, line 47-col. 11, line 8).

27. Regarding claim 5, referring to claim 1, Reichman in view of Chan discloses that the predetermined factor to classify type of message is based on the level of priority of said message (Reichman: col. 9, line 53-col. 10, line 46 and col. 15, lines 10-31).

28. Regarding claim 6, referring to claim 3, Reichman in view of Chan does not expressly disclose that the type-two message designated receiver returns an acknowledge to said type-two message sender upon successfully receiving of said type-two message; however, Examiner takes official notice that it is well-known in the art to return an acknowledge in order to indicate to the sender that the message has been properly received. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the type-two message designated receiver return an acknowledge to said type-two message sender upon successfully receiving of

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said type-two message in order to indicate to the sender that the message has been properly received.

29. Regarding claim 7, referring to claim 4, Reichman in view of Chan discloses that the sending message uses a standard packet cell data structure, wherein said message can be further segmented, encapsulated into a plurality of packet cells (Reichman: col. 9, line 39-col. 10, line 7; col. 10, line 47-col. 11, line 8; and col. 12, lines 14-17).

30. Regarding claim 9, referring to claim 2, Reichman in view of Chan discloses that receiving a type-one message from downstream channel by said message sender serves as an acknowledgment to indicate that other users of said subset and said communication server successfully received said type-one message (Chan: col. 3, lines 9-17).

31. Regarding claim 10, referring to claim 1, Reichman in view of Chan, as broadly defined, discloses that the users buffer said messages for a predetermined period of time after receiving a reserve request (Reichman: col. 6, lines 26-28; col. 6, lines 39-40; col. 11, lines 9-11; and col. 11, lines 32-33) where the predetermined time is the time required for a communication channel to become available for transmission.

32. Regarding claim 12, referring to claim 7, Reichman in view of Chan discloses that the packet cell of said message further comprising at least one header portion and at least one data portion (Reichman: col. 10, line 47-col. 11, line 8), where Examiner takes official notice that TCP/IP packets comprise a header and data portion; wherein one designated bit of the header portion is set to identify said packet cell as a reserve request (Reichman: col. 11, lines 12-20) where it is implicit that the request message contains a destination address for the hub, such that,

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as broadly defined, there is one designated bit of the header portion is set to identify said packet cell as a reserve request, namely the destination address.

33. Regarding claim 16, referring to claim 11, Reichman in view of Chan discloses that the system further comprising: grouping said system users into a plurality of subsets of users (users on different networks) (Reichman: Fig. 1 and col. 8, line 56-col. 9, line 21); managing said subset of users by checking the type, the integrity of said sending message and the message traffic transmitting to/from said subset of users (Reichman: col. 4, line 45-col. 5, line 17; col. 6, line 56-col. 7, line 10; and col. 8, line 45-col. 9, line 7 and Chan: col. 1, lines 13-36 and col. 3, lines 9-17); extracting a copy of said type-one message of said subset of users from said upstream channel and inserting it into said downstream channel connecting said subset of users (Chan: col. 1, lines 13-36 and col. 3, lines 9-17); and forwarding said upstream messages from said upstream channel to said communication server (Reichman: col. 4, line 45-col. 5, line 17; col. 6, line 56-col. 7, line 10; and col. 8, line 45-col. 9, line 7).

34. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reichman et al (USPN 6,240,073) in view of Chan et al (USPN 4,816,825) as applied to claim 4 above, and further in view of Crager et al (USPN 4,058,672).

35. Regarding claim 8, referring to claim 4, Reichman in view of Chan does not expressly disclose that the first packet cell of said multi-packet cell message contains the total number of packet cells for said message and each said packet cell having information to identify its packet cell sequence within the multi-packet cells. Crager teaches, in a packet transmission system, that the first predetermined number of packet cells of said multi-packet cell message contains the total number of packet cells for said message and each said packet cell having information to

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identify its packet cell sequence within the multi-packet cells in order to provide message level error recovery (col. 20, lines 47-46 and col. 21, lines 25-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the first predetermined number of packet cells of said multi-packet cell message contain the total number of packet cells for said message and to have each said packet cell have information to identify its packet cell sequence within the multi-packet cells in order to provide message level error recovery. Reichman in view of Chan in further view of Crager does not expressly disclose that the first packet cell contains the total number of packet cells; however, Reichman in view of Chan in further view of Crager does disclose that the first predetermined number of packet cells contains the total number of packet cells. It is generally considered to be within the ordinary skill in the art to adjust, vary, select, or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. The burden of showing criticality is on applicant. In re Mason, 87 F.2d 370, 32 USPQ 242 (CCPA 1937); Marconi Wireless Telegraph Co. v. U.S., 320 U.S. 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108, 65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1055); In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977); In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Since Reichman in view of Chan in further view of Crager discloses that the first predetermined number of packet cells contains the total number of packet cells, having the predetermined number be any number, including one cell, would have been obvious absent a showing of criticality by Applicant.

36. Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichman et al (USPN 6,240,073) in view of Chan et al (USPN 4,816,825) in further view of Limb (USPN 4,412,326).

37. Regarding claim 11, referring to claim 1, Reichman in view of Chan does not expressly disclose that the users buffer said messages for an optimal backoff time using an algorithm to calculate such backoff time each time said user completes an upstream transmission or receives a reserve request from other user of said subset, basing on a plurality of factors including the message round-trip propagation time, the size of last upstream message sent by said user, and the total number of current on-line users of said subset tracked by said communication system. Reichman in view of Chan does disclose that it is known to buffer messages for a backoff time (Reichman: col. 3, lines 30-44). Limb teaches, in a packet communication network, varying a backoff time each time said user completes an upstream transmission where the backoff time is based on a plurality of factors including the message round-trip propagation time (electrical distance between stations which is half of round-trip propagation time) and the size of last upstream message sent by said user (begin delay after completion of transmission of last message) in order to ensure that the packet is transmitted without collision (abstract and col. 1, line 64-col. 2, line 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to vary a backoff time each time said user completes an upstream transmission where the backoff time is based on a plurality of factors including the message round-trip propagation time (electrical distance between stations which is half of round-trip propagation time) and the size of last upstream message sent by said user (begin delay after completion of transmission of last message) in order to ensure that the packet is transmitted without collision.

As currently worded, the language of claim 11 can be interpreted to mean that the plurality of factors can include, but does not have to include, message round-trip time, the size of the last upstream message or the total number of current on-line users.

38. Regarding claim 18, Reichman discloses a CATV network system implementing medium access control mechanism, having a headend (hub), a downstream channel connecting said headend with a plurality of settop users and carrying downstream messages, and at least an upstream channel connecting said headend with a plurality of settop users and carrying upstream messages (col. 4, line 45-col. 5, line 17; col. 6, line 56-col. 7, line 10; and col. 8, line 45-col. 9, line 7), the system comprising: (a) means for buffering the sending upstream message and classifying said message as a type-one or a type-two message based on a predetermined factor by the message sender (col. 4, line 45-col. 5, line 34; col. 6, lines 26-28; col. 6, lines 39-40; col. 6, line 56-col. 7, line 10; col. 8, line 45-col. 9, line 7; and col. 10, lines 8-46), where it is implicit that all data is buffered before being transmitted, as is evidenced by the mention of a buffer; (b) means for said message sender transmitting a copy of said buffered type-one message into upstream channel immediately, otherwise means for issuing a special type-one message, a reserve request, into said upstream channel immediately if said buffered message is a type-two message (col. 4, line 45-col. 5, line 34; col. 6, line 56-col. 7, line 10; col. 8, line 45-col. 9, line 7; col. 9, lines 53-64, esp. col. 9, lines 54-58; and col. 10, lines 8-46); and (e) means for transmitting a copy of said buffered type-two message into said upstream channel by said reserve request sender once received said reserve request it sent from said downstream channel (col. 11, lines 12-20), where the reserve request sent by the sender and the reply to the reserve request can broadly be viewed as a single "reserve request" communication. Reichman does not expressly

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disclose (c) means for transferring said type-one message directly from said upstream channel into said downstream channel. Reichman does disclose that the first communication means can comprise non-synchronous multiple access communication means or non-synchronous frequency hopping CDMA communication means (col. 5, lines 18-21). Reichman also discloses that type-one messages include reservations for type-two messages (col. 9, lines 54-58). Reichman further discloses that collisions are possible during the transmission of type-one packets (col. 12, lines 5-32). Chan teaches, in a two-way broadband communication network, that it is well known to distribute a copy of a messages from a user of the subset of users to all users in said subset of users in order to allow communication between users on the network and to allow for error checking due to collisions (col. 1, lines 13-36 and col. 3, lines 9-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to have means for transferring said type-one message directly from said upstream channel into said downstream channel in order to allow for error checking due to collisions of all type-one packets. Reichman in view of Chan does not expressly disclose (d) means for inducing other settop users received said reserve request from said downstream channel to refrain from transmitting into said upstream channels for a period of time equal to the reservation time plus additional guard band. Rather Reichman in view of Chan discloses that the type-one messages and type-two messages are sent on different bands of spectrum such that simultaneous transmission of type-one and type-two messages is possible (Reichman: col. 10, lines 8-29). However, Examiner takes official notice that it is well known in the art to have only a single spectrum dedicated for the transmission of all communications in one direction. Based on knowledge available to one of ordinary skill in the art, this architecture improves bandwidth efficiency by eliminating the possibility that reserved

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bandwidth in one band goes unused if there is no traffic in that band (bandwidth reserved for type-two messages is wasted when there are no type-two messages being transmitted). Limb teaches, in a packet communication network, means for inducing other settop users received said reserve request from said downstream channel to refrain from transmitting into said upstream channels for a period of time equal to the reservation time plus additional guard band in order to ensure that the packet is transmitted without collision (abstract and col. 1, line 64-col. 2, line 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to have means for inducing other settop users received said reserve request from said downstream channel to refrain from transmitting into said upstream channels for a period of time equal to the reservation time plus additional guard band in order to ensure that the packet is transmitted without collision. Reichman in view of Chan in further view of Limb does not disclose (f) means for responding by said headend by sending an acknowledge to said type-two message sender to indicate successfully of receiving of said type-two message; (g) mean for removing said buffered type-two message from buffering by said type-two message sender received said acknowledge; and (h) means for re-transmitting said message after a predetermined period of time if the number of retries has not exceeded a predetermined maximum retry count; however, Examiner takes official notice that these steps are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have means for responding by said headend by sending an acknowledge to said type-two message sender to indicate successfully of receiving of said type-two message; means for removing said buffered type-two message from buffering by said type-two message sender received said acknowledge; and means for re-transmitting said message after a predetermined period of time if the number of retries has not

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exceeded a predetermined maximum retry count in order to ensure that the data is properly received.

Allowable Subject Matter

39. Claims 13 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. While it is well known in the prior art to adjust the backoff time according to the number of active users in a system, the prior art does not disclose or fairly suggest adjusting the backoff time according to the total number of users, both active and inactive, in the system.

40. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. While it is well known in the prior art to adjust the backoff time according to the number of active users in a system, the prior art does not disclose or fairly suggest adjusting the backoff time according to the total number of users, both active and inactive, in the system.

41. Claims 19 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. While it is well known in the prior art to adjust the backoff time according to the number of active users in a system, the prior art does not disclose or fairly suggest adjusting the backoff time according to the total number of users, both active and inactive, in the system.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Safadi (USPN 5,572,517) see entire document which pertains to hybrid MAC for cable networks. Kidder et al (USPN 5,903,735) see entire document which pertains to transmitting data having minimal bandwidth requirements before other data. Ball et al (USPN 4,672,608) see entire document which pertains to selecting an operating mode on an ALOHA system. Citta (USPN 4,528,663) see entire document which pertains to varying a backoff time depending on traffic load (relates to number of active users). Bestler et al (USPN 5,570,347) see entire document which pertains to varying a backoff time depending on traffic load (relates to number of active users). Dahod (USPN 4,500,989) see entire document which pertains to transmitting and processing data on a bus according to variable message lengths


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DJR
Daniel J. Ryman


HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600